



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the April 26, 2011 Town Council Meeting

Reference Name	Case: CZ 2010-001 Amendment to Original Austin Village Approval		
PB Meeting Date	March 15, 2011		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input type="checkbox"/>
	Vice-Chair Cowan <input type="checkbox"/>	Kathy Broom <input type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	Vacant Seat <input type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as transmitted.		
Member making the motion	Board member Vaughn		
Second the motion	Board member Rollins		
Vote	4-0		

Background

A request to rezone two parcels from a Pre-Existing Development Overlay (PED4) related to a Conditional Use District (CUD B-4) to Conditional Zoning General Business District (CZ-GBD) to add a convenience store with fuel sales or drive through restaurant as a permissible use. These uses would be in addition to the uses already allowed at this location. The location is currently undeveloped. The address is 5529 Potter Road (Tax Parcels 07-132-010F and 07-132-010M). The Planning Board heard this request on March 15, 2011 and transmits a recommendation to approve.

Town Council Action: *Receive transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Planning Board

The Board was presented with a request is to amend the original Conditional Use Permit that was rezoned in October 2000 as part of a larger Conditional Use District for Austin Village. The Conditional Zoning procedure is the process by which an approved planned development is amended. The request is to allow two new potential uses for the two subject parcels in addition to the uses already allowed. The proposed uses are a convenience store with gas sales or a drive through restaurant. The two subject parcels total 1.61 acres.

Discussion Items

- Traffic – There was concern about the increased traffic that may be created by this project, but a traffic study has been conducted and improvements have been made to the intersection.
- Ingress/Egress – There was concern about the difficulty of the entrances to the site. There are no new entrances proposed and the existing ones have been approved by NC DOT.
- Convenience Store – There was a question about whether a convenience store was included with the original approval. The original proposal included the convenience store use but the language was never included in the approval.
- Signs – The Board asked about the size and types of signs allowed. They proposed a new condition (#11) be added to allow electronic display of gas prices (only) if a convenience store is an allowable use.
- Water/Sewer – The Board questioned whether water and sewer were available for these parcels. Water and sewer are not currently available but it was explained it must be secured prior to any development taking place.
- Car Wash – The current proposal does not include a car wash; however, the applicant requested this be added as a potential use in conjunction with the convenience store.

Following this discussion, the Planning Board unanimously recommended for approval by the Town Council, along with making the following required findings:

Draft Findings:

1. The following findings were made consistent with the Comprehensive Plan:

Goal 1.3.1 Quality of Life: The proposed conditional zoning district will meet the quality of life goal by creating a unique identity for the Town with common urban design elements associated with the Austin Village development.

Goal 1.3.2 Land Use: The proposed conditional zoning district will meet the goal of land use by creating a more balanced tax base by promoting new commercial development.

2. The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the area of Quality of Life and Land Use and is consistent with the adopted plans within the Town.

The Planning Board also recommended the following draft conditions:

Draft Conditions:

1. The subject property shall comply with all conditions and requirements of the approved Conditional Use Permit (RZ2000-002) dated February 14, 2001 recorded in Book 1504, pages 263-271 at the Union County Register of Deeds (Attached herein as Exhibit A).
2. A convenience store with fuel sales and/or car wash or drive through restaurant shall be added as a permissible use to the list of permissible uses of the original permit (RZ2000-002).
3. A shared building consisting of fuel sales and drive through restaurant is prohibited.
4. The two properties shall be combined prior to development. This is to ensure minimum lot sizes and setbacks are met.
5. Building materials shall compliment and be compatible with existing construction.
6. The building(s) shall consist of double faced design to include windows or faux windows on each exterior wall.
7. The site shall adhere to the Village Center concept of the Comprehensive Plan by promoting pedestrian friendly aspects such as building orientation close to the street with parking and vehicle canopies behind the building.
8. The site shall develop according to the road typology set forth in the Comprehensive Plan, including a 10 ft sidewalk along the road frontage.
9. A pedestrian connection shall be installed from the public right of way to the site.
10. The applicant shall secure appropriate sewer availability from Union County Public Works prior to development.
11. If a convenience store includes fuel sales, it shall be allowed to electronically display gas prices as part of their monument sign. Electronic display is limited to the gas prices only on the monument sign.

Town Council Action:

- Receive transmittal report and public testimony and:
- Concur with the findings and transmittal of the Planning Board to approve; or
- Concur with the findings and approve as modified by Council; or
- Do not make the findings and disapprove the amendment.

Attachment 1- Draft Ordinance

Attachment 2- Planning Board Staff Report

Staff Contact

Craig Thomas

Junior Planner

cat@planning.indiantrail.org

704-821-5401

WHEREAS, the Planning Board further finds the request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Quality of Life and Land Use and is consistent with the adopted plans within the Town.

WHEREAS, the Planning Board voted to recommend approval to the Town Council and therefore transmits its recommendation, and

WHEREAS, the Town Council held a public hearing on April 26, 2011 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

NOW, THEREFORE, IT SHALL BE ORDAINED on April 26, 2011 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - CZ 2010-001 Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-GBD (Conditional Zoning General Business District) designation for 07-132-010F and 07-132-010M subject to the following conditions:

1. The subject property shall comply with all conditions and requirements of the approved Conditional Use Permit (RZ2000-002) dated February 14, 2001 recorded in Book 1504, pages 263-271 at the Union County Register of Deeds (Attached herein as Exhibit A).
2. A convenience store with fuel sales and/or car wash or drive through restaurant shall be added as a permissible use to the list of permissible uses of the original permit (RZ2000-002).
3. A shared building consisting of fuel sales and drive through restaurant is prohibited.
4. The two properties shall be combined prior to development. This is to ensure minimum lot sizes and setbacks are met.
5. Building materials shall compliment and be compatible with existing construction.
6. The building(s) shall consist of double faced design to include windows or faux windows on each exterior wall.
7. The site shall adhere to the Village Center concept of the Comprehensive Plan by promoting pedestrian friendly aspects such as building orientation close to the street with parking and vehicle canopies behind the building.
8. The site shall develop according to the road typology set forth in the Comprehensive Plan, including a 10 ft sidewalk along the road frontage.
9. A pedestrian connection shall be installed from the public right of way to the site.
10. The applicant shall secure appropriate sewer availability from Union County Public Works prior to development.
11. If a convenience store includes fuel sales, it shall be allowed to electronically display gas prices as part of their monument sign. Electronic display is limited to gas prices only on the monument signs.

Section 2 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this 26th day of April, 2011.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

John J. Quinn, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

Attachment 2
Planning Board Staff Report



Town of
INDIAN TRAIL
north carolina

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
PLANNING DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2010-001 – Amendment to Original Austin Village Approval			
Reference Name	Austin Village Amendment		
Request	Proposed Zoning	Conditional Zoning - General Business District (CZ – GBD)	
	Proposed Use	Convenience Store/Gas Station or Drive Through Restaurant	
Existing Site Characteristics	Existing Zoning	Pre-Existing Development Overlay (PED4) related to a Conditional Use District established with RZ2000-002	
	Existing Use	Vacant	
	Site Acreage	1.617 acres	
Applicant	Ken Chapman		
Submittal Date	November 3, 2010		
Location	5529 Potter Road		
Tax Map Number(s)	07-132-010F and 07-132-010M		
Plan Consistency	Comprehensive Plan	Designation	Austin Village
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

The subject properties comprise 1.617 acres of land located at 5529 Potter Road currently zoned Pre-Existing Development Overlay (PED4), with an underlying Conditional Use District (CUD). The applicant has requested an amendment to the CUD to add two new permissible uses. Section 690.030 of the Unified Development Ordinance (UDO) states any modification to a CUD must be reviewed and considered in accordance with the Conditional Zoning process. The Conditional Zoning request is to add a convenience store with fuel sales or drive through restaurant as a permissible use. These uses would be in addition to the uses already allowed at this location. A shared facility consisting of convenience store with fuel sales and drive through restaurant is prohibited.

Recommendation

Staff is of the opinion the necessary findings can be made to support a Conditional Zoning request to add a convenience store with fuel sales or drive through restaurant as a permissible use at this location.

Background

The parcels were rezoned in October 2000 as part of a larger Conditional Use District; project number RZ2000-002 (Attachment 2). The PED4 zoning was established with the adoption of the UDO in 2008 to accommodate a pre-existing Conditional Use District.

The approved land uses include retail, office, and live/work units. The approval stated a restaurant with drive through windows is not allowed; however, the applicant is seeking an amendment to change that language. As a result of the adoption of the UDO, the Town no longer has the Conditional Use process, only Conditional Zoning.

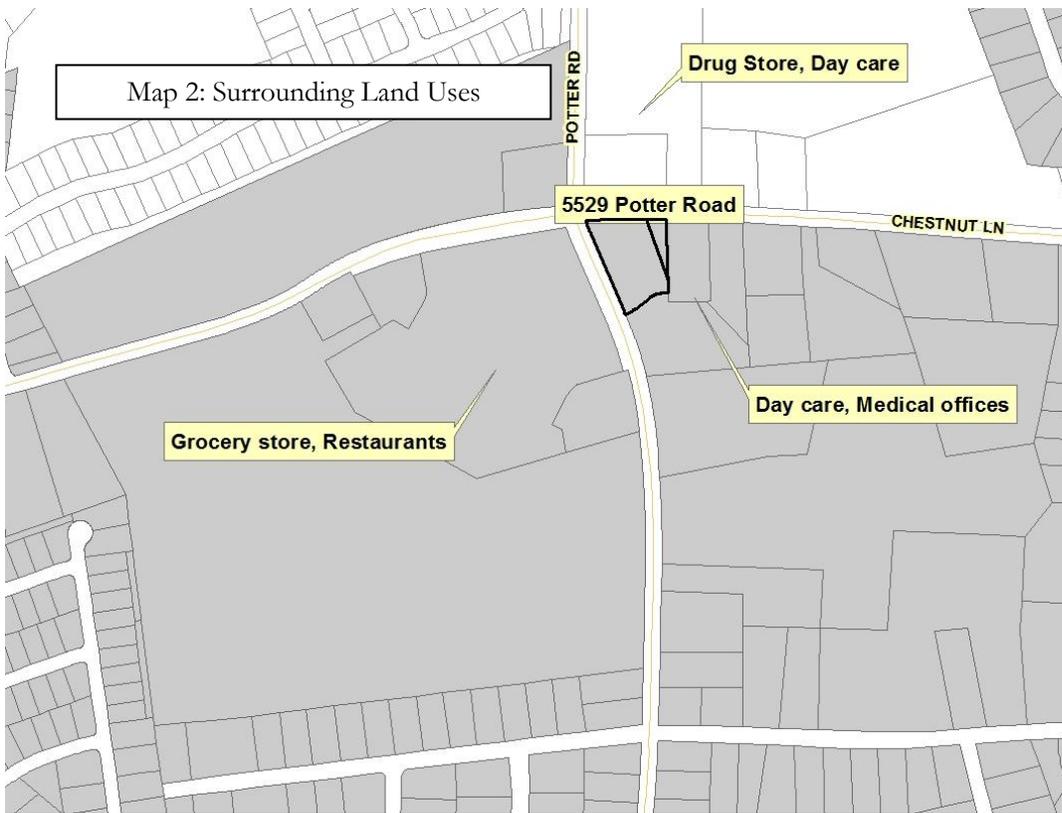
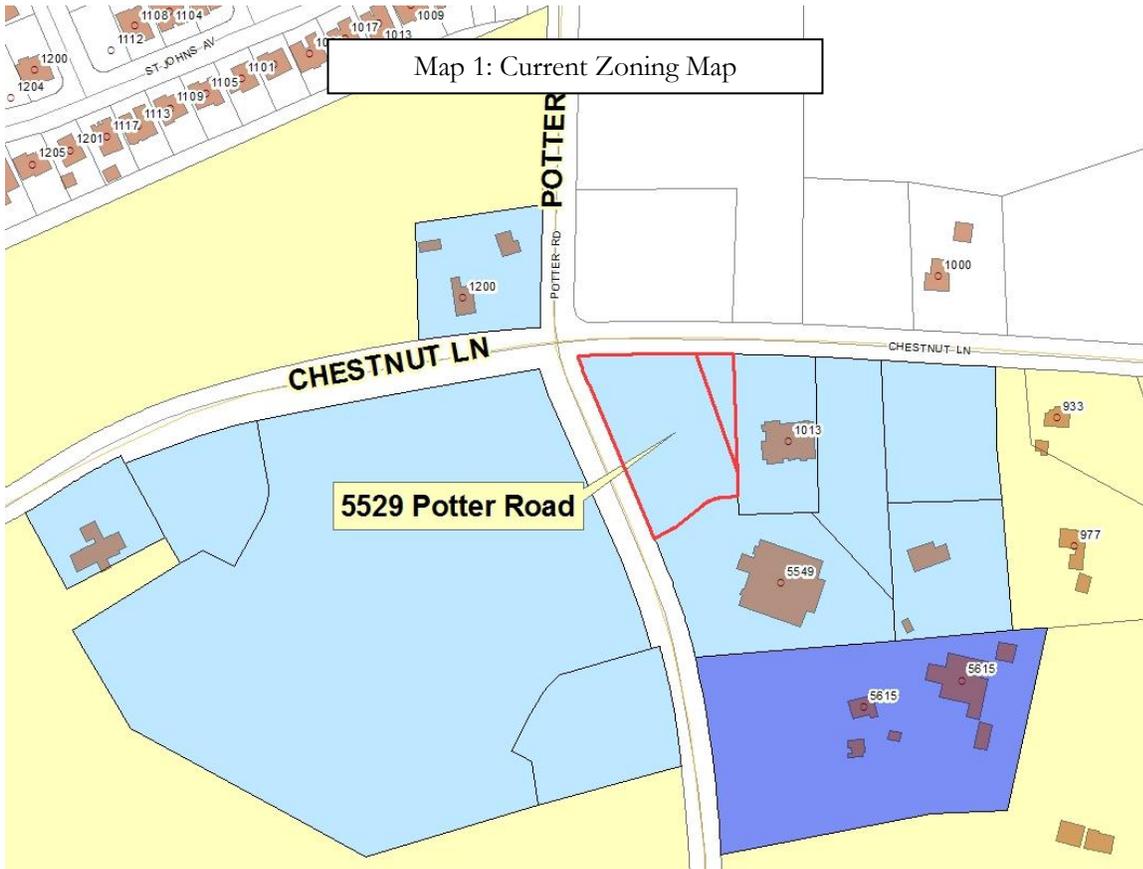
The applicant has indicated there has been interest in the property for a drive through restaurant or gas station with convenience store, necessitating the Conditional Zoning request. One proposed project (Attachment 3) includes a 3,223 square foot building and six pump stations on 1.617 acres. This would result in a ratio of 1,993 square feet per acre. The Conditional Use District allows a total of 121,480 square feet gross floor area on 9.51 acres, or a ratio of 12,774 square feet per acre.

The original proposal included language about a possible gas station/convenience store. The CUD approval (RZ2000-002, Attachment 2), however, is silent about the convenience store/gas station and specifically does not allow a drive through restaurant. Staff has researched the matter and cannot determine why the approval language does not reference a convenience store/gas station. The applicant is of the opinion a mistake was made and is seeking to amend the original approval to be able to market the property for a convenience store/gas station or drive through restaurant.

Analysis

Site Characteristics

The subject property is located at the intersection of Potter Road and Chestnut Lane. The property is zoned commercial. It is currently vacant, but two buildings have been constructed on the same corner. The land uses in the immediate area include medical offices, karate studio, and a day care center. Land uses on the adjacent corners include a grocery store, restaurants, dry cleaner, fitness studio, and another day care. There are also several neighborhoods and residentially zoned properties as the distance from the intersection increases (See Map 1 and Map 2 below).



Many of the neighborhoods to the west and north are nearing completion, while the ones to the south and east were constructed prior to 2000. Commercial development continues at the intersection with the recent opening of the Harris Teeter shopping center and several outparcels available.



Comments from Outside Agencies

The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. The Fire Marshal (Attachment 4) and NC DOT (Attachment 5) did not have any comments. Public Works indicated the parcels do not have sewer capacity at this time (Attachment 6), nor is it required for the Conditional Zoning procedure. Staff is required to coordinate efforts with Public Works during the site plan review process to ensure the applicant has the capacity for whatever land use ultimately develops here.

Community Meetings

In addition to the research from the Town and outside agencies, the applicant held two community meetings to gather comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the property owners and surrounding properties within 500 feet, and posting signs on the site.

The first community meeting was held at the Town Hall Civic Building on January 6, 2011 from 5:00PM-7:00PM. The second community meeting was held on February 2, 2011 from 3:00PM-5:00PM. Three current tenants as well as two residents attended the first meeting. There were no members from the public at the second meeting. Those who attended the meeting generally approved of the project and were actually excited to have some new development on the corner.

They indicated there was a need for food and/or convenience services in the area and felt new development would help their businesses.

The Town also created a webpage on the Town's website to help inform the citizens of the process and answer questions that they may have. This webpage was referred to in the mailed notice. The link is available here:

<http://www.indiantrail.org/planlog1.php?id=104&type=15>



Plan Consistency

The property is located in a Village Center within the Austin Village Suburban Mix village. Although the parcel is currently vacant, its zoning for purposes of the Comprehensive Plan analysis is classified retail. The retail zoning percentages would not change as a result of the rezoning, as the applicant merely requests two additional uses.

Austin Village Suburban Mix Village Land Uses

Land Use	Percent	Flexibility Factor
Low Density Residential	7%	+2
Med Density Residential	60%	-5
High Density Residential	8%	+/-2
Multi-Family	3%	+/-1
Parks/Open Space/ Agriculture/ Forest	6%	
Institutional	7%	+2
Retail	2%	
Office	2%	
Boulevards/Thoroughfares	5%	

A Village Center is intended to offer services for pedestrians while minimizing potential adverse effects from automobile traffic. As such, the Use Table from the Unified Development Ordinance limits the size and permissibility of certain uses that may not be considered pedestrian friendly. Staff has proposed conditions related to building orientation, wide sidewalks, and pedestrian connections to ensure any development is consistent with the Village Center concept. A drive through restaurant is a permissible use “by right” within a Village Center; however, a convenience store/gas station requires a Special Use Permit (SUP). Staff is of the opinion the proposed conditions associated with this Conditional Zoning are sufficient to ensure quality design to accommodate pedestrians and forego the SUP requirement.

Based on the future land uses set forth for this corridor, the fact the percentages will not change, and the proposed conditions promote the Village Center concept, staff is of the opinion a rezoning from PED4 to CZ-GBD is consistent with the Comprehensive Plan.



Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Goal 1.3.1 Quality of Life: The proposed conditional zoning district will meet the quality of life goal by creating a unique identity for the Town with common urban design elements associated with the Austin Village development.

Goal 1.3.2 Land Use: The proposed conditional zoning district will meet the goal of land use by creating a more balanced tax base by promoting new development

The request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Quality of Life and Land Use and is consistent with the adopted plans within the Town.

Draft Conditions:

1. The subject property shall comply with all conditions and requirements of the approved Conditional Use Permit (RZ2000-002) dated February 14, 2001 recorded in Book 1504, pages 263-271 at the Union County Register of Deeds (Attached herein as Exhibit A).
2. A convenience store with fuel sales or drive through restaurant shall be added as a permissible use to the list of permissible uses from RZ2000-002.
3. A shared building consisting of fuel sales and drive through restaurant is prohibited.
4. The two properties shall be combined prior to development. This is to ensure minimum lot sizes and setbacks are met.
5. Building materials shall compliment and be compatible with existing construction.
6. The building(s) shall consist of double faced design to include windows or faux windows on each exterior wall.
7. The site shall adhere to the Village Center concept of the Comprehensive Plan by promoting pedestrian friendly aspects such as building orientation close to the street with parking and vehicle canopies behind the building.
8. The site shall develop according to the road typology set forth in the Comprehensive Plan, including a 10 ft sidewalk along the road frontage.
9. A pedestrian connection shall be installed from the public right of way to the site.
10. The applicant shall secure appropriate sewer availability from Union County Public Works prior to development.

Recommendation

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the town's Comprehensive Plan.

Attachment 1 – Application

Attachment 2 – RZ2000-002 Conditional Use District approval October 10, 2000

Attachment 3 – Sketch Plan for convenience store/gas station

Attachment 4 – Email from Fire Marshal

Attachment 5 – Email from NC DOT

Attachment 6 – Email from Public Works

Attachment 7 – Conceptual Architectural Rendering

Attachment 8 – Draft Resolution

Staff Contact

Craig Thomas

Junior Planner

(704) 821-5401 ext 238

cat@indiantrail.org

PB Attachment 1: Application

**CONDITIONAL ZONING
APPLICATION**



Town of
**INDIAN
TRAIL**
north carolina

PLANNING AND DEVELOPMENT DEPARTMENT
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$700.00

Notification Fee \$2.50 per adjoining property owner

Date Received 11/3/10

CONDITIONAL ZONING APPLICATION

CONDITIONAL ZONING APPLICATION



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina)
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- List, address labels, and digital copy of all adjoining property owners within 500 feet of subject parcel
- ~~Traffic Impact Analysis, if necessary~~
- ~~Statement of Appraisal, if necessary~~
- Fees associated with review

General Information

Project Address 5529 Potter Road

City Matthews State NC Zip 28104

Tax Parcel ID 07132010E/07132010M Zoning Designation B-4

Total Acres 1.617 Impervious Area NA

Project Description Austin Village - Mixed Use Commercial Development - Chestnut & Potter

Contact Information – Applicant

Name Ken Chapman

Address 125 Scaleybark Road

City Charlotte State NC Zip 28209

Phone 704-561-5238 Fax 704-523-6140

Email kchapman@merrfieldpatrick.com

Contact Information – Property Owner

Name Austin Village, LLC

Address 125 Scaleybark Road

City Charlotte State NC Zip 28209

Phone 704-561-5238 Fax 704-523-6140

CONDITIONAL ZONING APPLICATION

CONDITIONAL ZONING APPLICATION



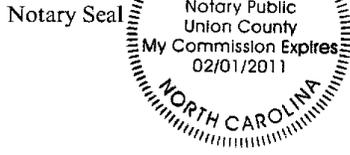
Email kchapman@merrifieldpatrick.com

Applicant's Certification

Signature *Ken Chapman* Date 11/3/2010
~~June 10, 2010~~

Printed Name/Title Ken Chapman

Signature of Notary Public *Helen S. Boich* Date 11/3/2010
~~June 10, 2010~~



Property Owner's Certification

Signature *Ken Chapman* Date 11/3/2010
~~June 10, 2010~~

Printed Name/Title Ken Chapman / Manager

Signature of Notary Public *Helen S. Boich* Date 11/3/2010
~~June 10, 2010~~



TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER:	<u>CZ 2010-001</u>
DATE RECEIVED:	<u>11/3/10</u> AMOUNT OF FEE: <u>NA</u>
RECEIVED BY:	<u>CAI</u> RECEIPT #: <u>NA</u>



June 10, 2010

Town of Indian Trail
100 Navajo Trail
Indian Trail, NC 28079

RE: AUSTIN VILLAGE ZONING

Dear Director of Planning:

Austin Village LLC would like to put in a request to amend the original zoning on the attached parcels 07132010F/07132010M totaling 1.617 acres document listed below;

RZ-2000-002, RZ-2000-003, RX-2000-004

Austin Village would like to add the ability to construct a convenience store and the ability to construct a restaurant with a drive through.

Sincerely

Ken Chapman

Enclosures

PB Attachment 2: RZ2000-002 Approval

Town Of Indian Trail



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704/821-5401
PLANNING AND DEVELOPMENT DEPARTMENT

2.14.2001
4:35
JUDY G. PRIDE, Register of Deeds
Folk Record Only m870

CONDITIONAL USE REZONING GRANTED CONDITIONAL B-3/B-4

On the date listed below the Town Council for the Town of Indian Trail met and held a public hearing to consider the following application.

Applicant: Larry Vickery

Owner(s): Scott Vickery, Larry & Lane Vickery, Henry Deese, Jo Laney Deese, Austin Properties, LLC.

Property Location: Town of Indian Trail, intersection of Chestnut Lane and Potter Road

Tax Map: 07-132-010c 07-132-010f, 07-132-010g, 07-147-130, 07-147-130a

Meeting Date: October 10, 2000

Proposed Use of Property: Austin is a mixed-use, pedestrian friendly project by the Vickery family. Built around the village green, offices, shops and restaurants will form avenues attracting visitors and window shoppers. The 70-acre project at the intersection of Potter Road and Chestnut Lane will be the most complete urban village in the area. The 10-acre corner is well defined and will be developed first with a built out time of about five years. The other corners applications 3 & 4 will be developed next. About 31 acres surrounding the lake is not included in the rezoning application. The Vickery family would like to develop all three corners as Conditional Use Districts, B-3 and B-4. Plan of Austin is based on five minute walking distance or about 1/4 mile. A common village green will be at the heart of 1/4 mile center. Village centers consist of retail shops, offices and live/work units. A community building and a daycare are planned as part of the second phase. Village streets will have on street parallel parking with sidewalks, pedestrian scale streetlights and rows of 2" caliper street trees. Parking is shared and is mostly behind the buildings. Buildings are four sided with attractive elevations all around, not just the front building designs will be traditional and based on classic examples of Carolinas architecture. This look is best described graphically through the drawings and photographs shown in the book submitted. Buildings will have high (min. of 12' to 14') ceilings at the ground level and minimum of 10' to 12' ceilings at upper levels. All buildings will be designed to age gracefully and to be flexible in function when needed. All building signage is attached with the classic "Goose Neck" lights and awnings above store front windows and doors, there will not be any detached pole signs.

Major building materials will be natural such as brick, stone, wood, shake siding with no vinyl, composite sidings or synthetic stucco. An architectural review board consisting of the Vickery's, the Developer, the Town and Babak Emadi of Urban Design will review all building submittals.

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Town Ordinances and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Council, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgment of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

IN WITNESS WHEREOF, the Town of Indian Trail has caused this permit to be issued in its name, and the undersigned, being all of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

TOWN OF INDIAN TRAIL

BY: Karen B. Price
Clerk of Indian Trail

APPROVAL OF RZ-2000-002, RZ-2000-003, RZ-2000-004 IS WITH THE

APPROVAL OF RZ-2000-002, RZ-2000-003, RZ-2000-004 IS WITH THE FOLLOWING ENUMERATED CONDITIONS:

Develop in general accordance with the site plan and accompanying renderings bound and submitted on 9/21/2000 (revised), with modifications as may be needed to meet the conditions of the Conditional Use B-3/B-4 zoning district and the Ordinances of the Town of Indian Trail >

Approval of Conditional Use B-3/B-4 to the following enumerated conditions to restrict the use of the property as follows:

RZ-2000-002 (total of 9.51 acres; 7 acres B-4 & 2.51 acres B-3)

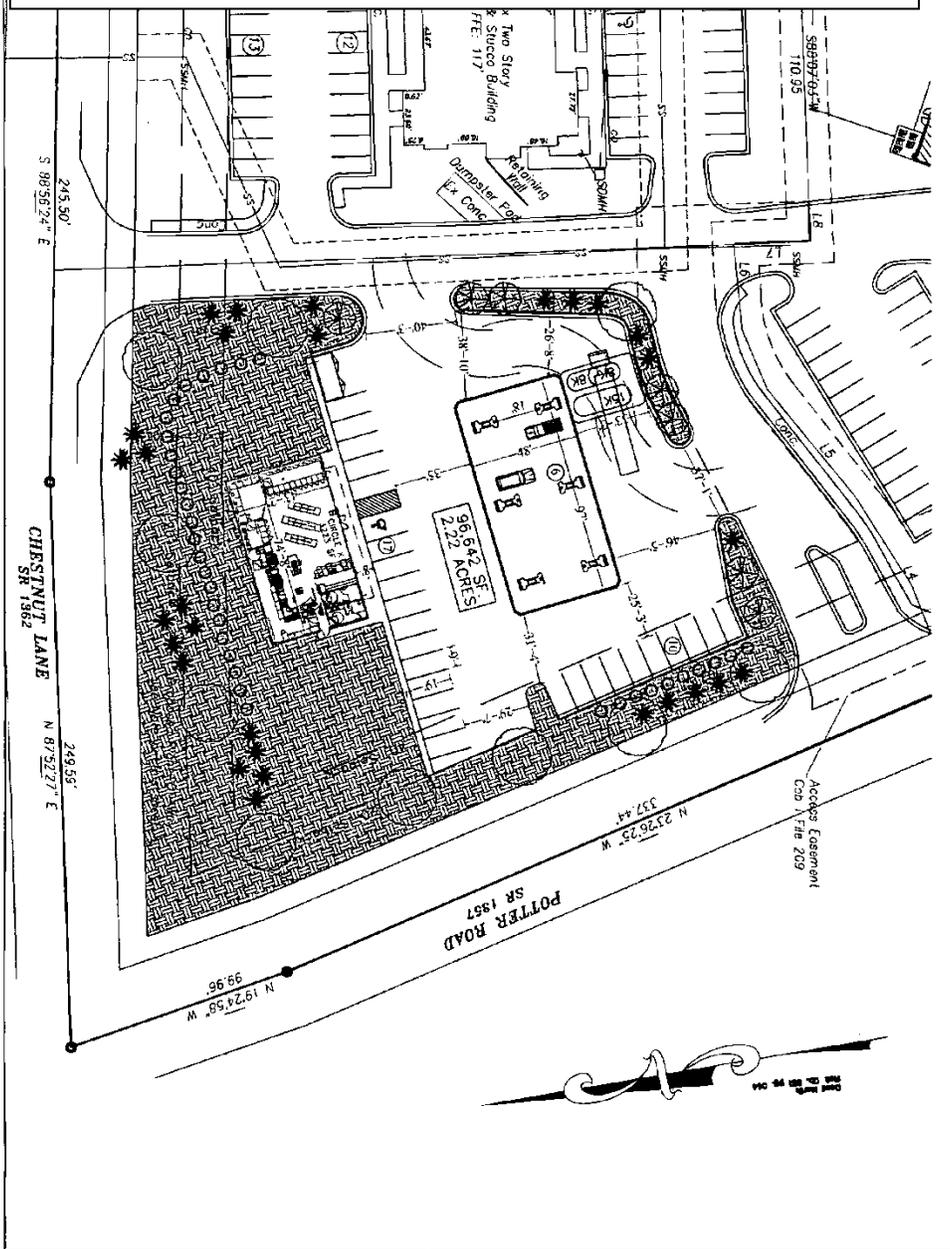
1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
- A) Limited to the proposed 121,480 square feet (2.79-acres) of buildings (16) on the 9.51 acre tract.
- B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
- C) The permitted uses allowed on the site will be limited to the following:
 1. Retail/Office building limited to 15,000 square feet with additional retail shops totaling 10,700 square feet. **B-4 zoning**
 2. An additional 9,300 square of retail shops (no restaurants with drive-through windows). **B-4 zoning**
 3. Retail/office building limited to 4,800 square feet. **B-4 zoning**
 4. Retail/Office building limited to 4,800 ground level and 4,800 for office above. **B-4 zoning**
 5. Retail/Office building limited to 8,000 ground level and 8,000 for office above. **B-4 zoning**
 6. Retail/Office building limited to 4,000 square feet without drive through window. **B-4 zoning**
 7. Retail/Office building limited to 4,500 ground level and 4,500 for office above. **B-4 zoning**
 8. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 9. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 10. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 11. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 12. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 13. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 14. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

15. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**
16. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

RZ-2000-003 (total of 20.7 acres; 10 acres B-4 & 10.7 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
- A) Limited to the proposed 302,000 square feet (6.93-acres) of buildings (47) on the 20.7 acre tract.
- B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
- C) The permitted uses allowed on the site will be limited to the following:
 1. Existing 2,000-foot single family home may be converted to office/retail. **B-4 zoning**
 2. Office/retail limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 3. Office/retail building limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 4. Retail building limited to 15,000 square feet. **B-4 zoning**
 5. Office/retail building limited to 4,000 square feet on the ground floor and 4,000 above. **B-4 zoning**
 6. Office & Live/work building limited to 4,000 square feet on the ground floor and 4,000 above. **B-3 zoning**
 7. Office/retail building limited to 1,500 square feet on the ground floor and 1,500 above. **B-4 zoning**
 8. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 9. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 10. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 11. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 12. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 13. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 14. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 15. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 16. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**

PB Attachment 3: Sketch Plan



C1 Scale 1" = 40'-0"	Date 1-18-11		Circle K 2448 Whitehall Park Drive, Suite 800, Charlotte, NC 28219	RA # 1-18-11	Designer SBR
	Drawn By MAM		STORE # Potter Rd and Chestnut Ln.	PROPOSED SITE PLAN	Checked By SB

PB Attachment 4: Email from Fire Marshal

From: JWilliams@co.union.nc.us
Sent: Wednesday, February 16, 2011 8:51 AM
To: Craig Thomas
Subject: Re: Request for Comments

Looks good to me.

Thanks,

Jon
Jon Williams, Deputy Fire Marshal
Union County
805 Skyway Drive Monroe, NC 28110
Office: 704.283.3515
Mobile: 704.400.8343
Fax: 704.283.3716

-----Craig Thomas <cat@planning.indiantrail.org> wrote: -----

To: "Jon Williams (jwilliams@co.union.nc.us)" <jwilliams@co.union.nc.us>
From: Craig Thomas <cat@planning.indiantrail.org>
Date: 02/15/2011 03:43PM
Subject: Request for Comments

Could you please provide any comments for this proposed rezoning project at 5520 Potter Road? The property is already zoned for retail; however, the request is to allow for a convenience store and drive-through restaurant as permissible uses at the corner lot of Chestnut and Potter. Thanks, and please let me know if you have any questions.

Craig Thomas

Junior Planner

Town of Indian Trail

P 704.821.5401

F 704.821.9045



Please consider the environment before printing this e-mail

PB Attachment 5: Email from NC DOT

From: Henry, Trisha L [thenry@ncdot.gov]
Sent: Tuesday, March 08, 2011 6:49 AM
To: Craig Thomas
Subject: RE: Request for Comments

Per our conversation, the NCDOT has no major comments or concerns with the rezoning of this property to allow for drive thru restaurant and/or c-store uses.

If we can be of any further assistance please do not hesitate to contact us.

Regards,

Trisha

From: Craig Thomas [cat@planning.indiantrail.org]
Sent: Monday, March 07, 2011 1:15 PM
To: Henry, Trisha L
Subject: FW: Request for Comments

[Can I get something in writing from you based on our conversation this morning? Thanks.](#)

From: Craig Thomas
Sent: Tuesday, February 15, 2011 3:45 PM
To: thenry@ncdot.gov
Subject: Request for Comments

Could you please provide any comments for this proposed rezoning project at 5529 Potter Road? The property is already zoned for retail; however, the request is to allow for a convenience store and drive-through restaurant as permissible uses at the corner lot of Chestnut and Potter. Thanks, and please let me know if you have any questions.

Craig Thomas
Junior Planner
Town of Indian Trail
P 704.821.5401
F 704.821.9045

 Please consider the environment before printing this e-mail

PB Attachment 6: Email from Public Works

From: MikeGarbark@co.union.nc.us
Sent: Tuesday, February 15, 2011 4:49 PM
To: Craig Thomas
Subject: Fw: Re: Request for Comments

Craig,

This parcel does not have sewer availability at this time. There is limited water availability per the conditions of the Short Term Water Allocation Plan.

Thanks,

Mike
Mike Garbark, PE
Assistant Engineering Director
Union County Public Works
500 N Main Street
Monroe, NC 28112

-----Forwarded by Mike Garbark/UnionCounty on 02/15/2011 04:51PM -----

To: Mike Garbark/UnionCounty@UnionCounty
From: Larry Davis/UnionCounty
Date: 02/15/2011 04:21PM
Subject: Re: Request for Comments

Mike,
Parcels 07-132-010F and 07-132-010M do not have sewer taps or capacity. These parcels were not allocated capacity in the Austin Village Phase 1 sewer permit (WQ0023710 dated March 25, 2004) as submitted and permitted by the developers' design engineer R.D. Davis Engineering.
Larry C. Davis
Engineering Assistant
Office Phone - 704-296-4219
Fax - 704-296-4232
Email - larrydavis@co.union.nc.us

-----Mike Garbark/UnionCounty wrote: -----

To: Craig Thomas <cat@planning.indiantrail.org>, Larry Davis/UnionCounty@UnionCounty
From: Mike Garbark/UnionCounty
Date: 02/15/2011 03:49PM
Subject: Re: Request for Comments

Craig,

We can look to see where this parcel is located and if it is located within commercial project that has a water and sewer permit. If so we can let you know how many gallons are remaining in the permit that could be utilized. I am thinking there is no sewer available for the parcel you reference but we will check and get back to you.

thanks.
Mike Garbark, PE
Assistant Engineering Director
Union County Public Works
500 N Main Street
Monroe, NC 28112

-----Craig Thomas <cat@planning.indiantrail.org> wrote: -----

To: Mike Garbark <MikeGarbark@co.union.nc.us>
From: Craig Thomas <cat@planning.indiantrail.org>
Date: 02/15/2011 03:45PM
Subject: Request for Comments

Could you please provide any comments for this proposed rezoning project at 552 9 Potter Road? The property is already zoned for retail; however, the request is to allow for a convenience store and drive-through restaurant as permissible uses at the corner lot of Chestnut and Potter. Thanks, and please let me know if you have any questions.

Craig Thomas

Junior Planner

Town of Indian Trail

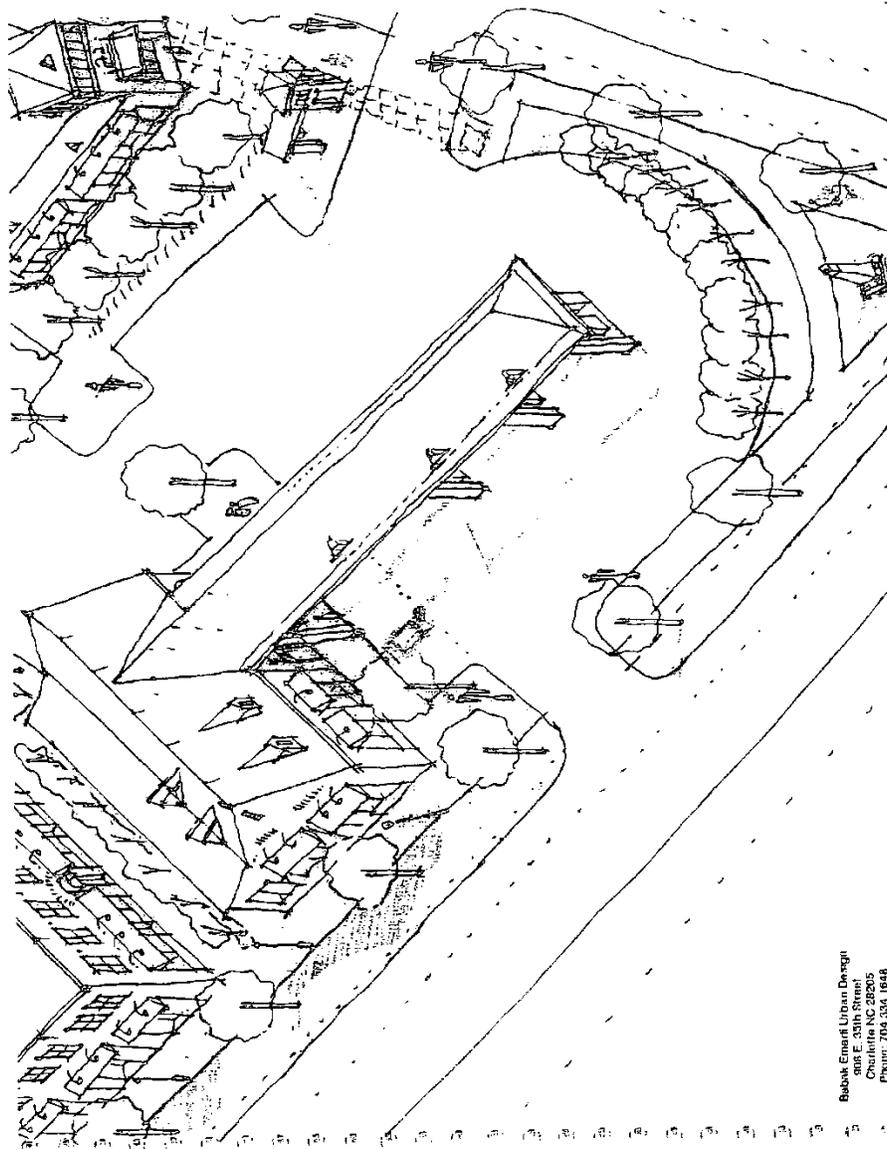
P 704.821.5401

F 704.821.9045



Please consider the environment before printing this e-mail

PB Attachment 7: Architectural Rendering



Babak Esmaili Urban Design
805 E. 35th Street
Charlotte NC 28205
Phone: 704.334.1648

Comprehensive Plan in the area of Quality of Life and Land Use and is consistent with the adopted plans within the Town.

WHEREAS, the Planning Board voted to recommend approval to the Town Council and therefore transmits its recommendation, and

WHEREAS, the Town Council held a public hearing on April 12, 2011 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

NOW, THEREFORE, IT SHALL BE ORDAINED on April 12, 2011 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - CZ 2010-001 Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-GBD (Conditional Zoning General Business District) designation for 07-132-010F and 07-132-010M subject to the following conditions:

1. The subject property shall comply with all conditions and requirements of the approved Conditional Use Permit (RZ2000-002) dated February 14, 2001 recorded in Book 1504, pages 263-271 at the Union County Register of Deeds (Attached herein as Exhibit A).
2. A convenience store with fuel sales or drive through restaurant shall be added as a permissible use to the list of permissible uses from RZ2000-002.
3. A shared building consisting of fuel sales and drive through restaurant is prohibited.
4. The two properties shall be combined prior to development. This is to ensure minimum lot sizes and setbacks are met.
5. Building materials shall compliment and be compatible with existing construction.
6. The building(s) shall consist of double faced design to include windows or faux windows on each exterior wall.
7. The site shall adhere to the Village Center concept of the Comprehensive Plan by promoting pedestrian friendly aspects such as building orientation close to the street with parking and vehicle canopies behind the building.
8. The site shall develop according to the road typology set forth in the Comprehensive Plan, including a 10 ft sidewalk along the road frontage.
9. A pedestrian connection shall be installed from the public right of way to the site.
10. The applicant shall secure appropriate sewer availability from Union County Public Works prior to development.

Section 2 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this 12th day of April, 2011.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

John J. Quinn, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY